

114TH CONGRESS  
2D SESSION

# H. R. 6170

To amend the Safe Drinking Water Act with respect to the consolidation  
of public water systems, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2016

Mr. GARAMENDI introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Safe Drinking Water Act with respect to  
the consolidation of public water systems, and for other  
purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. CONSOLIDATION.**

4       (a) MANDATORY ASSESSMENT AND CONSOLIDA-  
5       TION.—Subsection (h) of section 1414 of the Safe Drink-  
6       ing Water Act (42 U.S.C. 300g–3) is amended by adding  
7       at the end the following:

8               “(3) AUTHORITY FOR MANDATORY ASSESSMENT  
9               AND MANDATORY CONSOLIDATION.—

1                 “(A) MANDATORY ASSESSMENT.—A State  
2                 with primary enforcement responsibility or the  
3                 Administrator (if the State does not have pri-  
4                 mary enforcement responsibility) may require  
5                 the owner or operator of a public water system  
6                 to assess options for consolidation, or transfer  
7                 of ownership of the system, as described in  
8                 paragraph (1), if—

9                         “(i) the public water system has re-  
10                 peatedly failed to comply with one or more  
11                 national primary drinking water regula-  
12                 tions;

13                         “(ii) such consolidation or transfer is  
14                 feasible; and

15                         “(iii) such consolidation or transfer  
16                 could result in greater compliance with na-  
17                 tional primary drinking water regulations.

18                 “(B) MANDATORY CONSOLIDATION.—A  
19                 State with primary enforcement responsibility  
20                 or the Administrator (if the State does not have  
21                 primary enforcement responsibility) may require  
22                 the owner or operator of a public water system  
23                 to submit a plan for consolidation, or transfer  
24                 of ownership of the system, as described in

1           paragraph (1), and complete the actions re-  
2           quired under such plan if—

3                 “(i) the owner or operator of the pub-  
4                 lic water system completed the assessment  
5                 required under paragraph (A), but did not  
6                 complete consolidation or transfer of own-  
7                 ership;

8                 “(ii) since completing such assess-  
9                 ment, the public water system has failed to  
10                 comply with one or more national primary  
11                 drinking water regulations; and

12                 “(iii) such consolidation or transfer is  
13                 feasible.

14                 “(C) REGULATIONS.—Not later than 2  
15                 years after the date of enactment of this para-  
16                 graph, the Administrator shall promulgate reg-  
17                 ulations to implement this paragraph.

18                 “(4) FINANCIAL ASSISTANCE.—Notwith-  
19                 standing section 1452(a)(3), public water systems  
20                 undertaking consolidation or transfer of ownership  
21                 pursuant to this section may receive assistance  
22                 under section 1452 to carry out such consolidation  
23                 or transfer.

24                 “(5) PROTECTION OF NON-RESPONSIBLE SYS-  
25                 TEM.—

1                 “(A) IDENTIFICATION OF LIABILITIES.—

2                 An owner or operator of a public water system  
3                 submitting a plan pursuant to this section shall  
4                 identify as part of such plan—

5                 “(i) any potential liability for damages  
6                 arising from each specific violation identi-  
7                 fied in the plan of which the owner or op-  
8                 erator is aware or should be aware; and

9                 “(ii) any funds or other assets avail-  
10                 able to satisfy such liability that are avail-  
11                 able, as of the date of submission of such  
12                 plan, to the public water system that com-  
13                 mitted such violation.

14                 “(B) RESERVATION OF FUNDS.—A public  
15                 water system that has completed consolidation  
16                 with another public water system pursuant to a  
17                 plan approved or required pursuant to this sec-  
18                 tion shall not be liable in a civil action for any  
19                 damages arising from a specific violation identi-  
20                 fied in such plan, except to the extent to which  
21                 funds or other assets are identified pursuant to  
22                 subparagraph (A)(ii) as available to satisfy such  
23                 liability.”.

24                 (b) RETENTION OF PRIMARY ENFORCEMENT AU-  
25                 THORITY.—

1                             (1) IN GENERAL.—Section 1413(a) of the Safe  
2                             Drinking Water Act (42 U.S.C. 300g-2(a)) is  
3                             amended—

4                                 (A) in paragraph (5), by striking “; and”  
5                             and inserting a semicolon;

6                                 (B) by redesignating paragraph (6) as  
7                             paragraph (7); and

8                                 (C) by inserting after paragraph (5) the  
9                             following new paragraph:

10                                 “(6) has adopted and is implementing proce-  
11                             dures for requiring public water systems to assess  
12                             options for, and complete, consolidation or transfer  
13                             of ownership, in accordance with the regulations  
14                             issued by the Administrator to implement section  
15                             1414(i)(3); and”.

16                                 (2) CONFORMING AMENDMENT.—Section  
17                             1413(b)(1) of the Safe Drinking Water Act (42  
18                             U.S.C. 300g-2(b)(1)) is amended by striking “of  
19                             paragraphs (1), (2), (3), and (4)”.

